

Rejections Under 35 USC Section 101

Claims 20-22 and 56 were rejected as directed to non-statutory subject matter, on the basis that a “host cell” might refer to a human organism. The claims have been amended to clarify that the cells are not naturally occurring, but rather “transformed or transfected” host cells, reflecting the fact that the cells have been recombinantly modified or engineered. Applicants respectfully submit that the rejection may, therefore, properly be withdrawn

Double Patenting

Claims 13-26 and 28-34 were provisionally rejected as directed to the same invention of claims 13-26 and 28-34 of copending Application No. 08/837199. The present claims have been amended to recite different subject from the claims of the copending application.

Rejections Under 35 USC Section 112, First Paragraph

Claims 13-14, 17-18, 20, 22-26, 28, 31-34, 53-58 and 60 were rejected on the basis that the invention was not commensurate with the scope of the claims. While not acceding to the rejection, the claims have been amended or canceled to facilitate prosecution of the present case. “Analog” claims will be pursued in a companion application.

Rejections under 35 USC Section 112, Second Paragraph

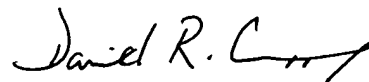
Claims 13 and 53 were also rejected on the basis that they did not distinctly claim the subject of the invention because they were dependent on withdrawn claims 1-8 and 51. Claim 13 has been amended to remove this dependency, and this rejection may properly be withdrawn. Claim 53 was canceled.

Claims 13, 14, 17, 28, 53-54 and 60 have been amended (or canceled) to clarify that the polypeptides of the present invention may complex with a neurotrophic factor. The polypeptides thereby mediate cell response to the neurotrophic factor. Claim 17 has been further amended to clarify the claimed polynucleic acid molecules.

Claims 24, 25, 28 and 57 were rejected as indefinite on the basis that it is unclear how a cell can secrete the neurotrophic factor receptor protein. As discussed above, the present invention involves soluble proteins that are secreted by recombinantly modified cells. The protein does not have a transmembrane region and is not embedded in the cell membrane. Thus, this rejection may properly be withdrawn.

For the foregoing reasons and in view of the amendments, Applicants respectfully request reconsideration of and withdrawal of the outstanding rejections. Applicants' representative would appreciate the opportunity to talk with the Examiner, in person or by telephone, to discuss any remaining questions and facilitate the prosecution and allowance of the application or to place the case in better form for appeal.

Respectfully submitted,



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